

Notice of Allowability

Application No.

09/604,246

Applicant(s)

EBIHARA ET AL.

Examiner

Naeem Haq

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/18/2004.
2. ☒ The allowed claim(s) is/are 10,11 and 18-20.
3. ☒ The drawings filed on 27 June 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


W. W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Attorney Frederick D. Bailey on February 18, 2005 and March 1, 2005.

The application has been amended as follows:

Please cancel claims 14, 15, and 21.

Please amend claim 10 as follows:

In line 40 replace the words "delivery schedule" with the words "arrival schedule to said dealer".

Allowable Subject Matter

Claims 10, 11, and 18-20 are allowed.

The following is an examiner's statement of reasons for allowance: Statement of allowance is in reference to independent claims 10 and 18. All other claims are dependent on these independent claims.

The present application is directed to a method of ordering and delivering merchandise to a dealer located within a user's neighborhood. In particular, the independent claims 10 and 18 recite the patentable feature that the user selects a specific dealer from a map displayed on the user's terminal.

Discussion of most relevant art:

i) *US Patent 6,336,100 B1* to Yamada. Yamada discloses that a user selects a dealer for delivery of ordered merchandise. However, Yamada fails to disclose that this selection is made from a map of the user's neighborhood.

ii) *US-PUB 2002/0038261 A1* to Kargman et al. hereinafter referred to as Kargman. Kargman discloses a system for placing orders over the Internet that uses a map to find the closest dealer to a user based on the user's address. However, Kargman fails to disclose that the user selects a specific dealer from the map.

iii) *"GE Supply Net Now Available To All Customers; Real-Time, On-Line Service Makes Ordering Easier, More Efficient."* Dialog File 16, Accession #: 05964020 hereinafter referred to as GE. GE discloses a system that lets customers place orders for items over the Internet and allows them to specify deliver locations. However, GE fails to disclose that the delivery locations are selected from a map.

iv) *JP Patent Application P2002-251397A* to Isao Takemoto hereinafter referred to as Takemoto. Takemoto discloses a home delivery map system and program. Takemoto has a publication date of September 6, 2002 and fails to antedate the Applicant's earliest priority date June 29, 1999.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (703)-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naeem Haq, Patent Examiner
Art Unit 3625

March 2, 2005



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